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REMARKS

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The Examiner is thanked for the courtesies extended during the course of the interview on the underlying case. Applicants and Examiner discussed the outstanding rejections and Applicants believe that they have come to an agreement to allow the claims based upon the Amendments and Remarks set forth herein.

Claims 1-19 are pending in the instant case. With this Preliminary Amendment, claims 11 and 12 are amended. Claims 1-19 are pending after this amendment.

Claims 11 and 12 were rejected under 35 U.S.C. 112(b) as being anticipated by Nijhuis et al. As was discussed during the interview, Applicants have amended claims 11 and 12 to overcome the rejections in the Office Action. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested based upon those amendments.

Claims 1-10 and 13-19 were rejected under 35 U.S.C 103(a) as being obvious over Nijhuis in view of Whitcomb. As discussed and agreed during the interview, the claims are allowable over the references for the reasons set forth herein. Nijhuis and Whitcomb do not provide similar evidence as to the relation between resistance and replication capacity and, indeed, often provide conflicting evidence as to whether there is a correlation between drug resistance (*see, respective references*). Accordingly, one skilled in the art would not be motivated to combine Nijhuis and Whitcomb. Accordingly, as was discussed in the interview, the claims are allowable over the cited art.

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CONCLUSION

Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested.

No fees are believed to be due with this response. However, pursuant to 37 C.F.R. §1.136 (a)(3), the Commissioner is authorized to charge all required fees, or credit any overpayment, to 502266.

Respectfully submitted,
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(Reg. No.)


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